

Appl. No. 10/664,560
Docket No. 9364
Amdt. dated December 11, 2008
Reply to Office Action mailed on September 17, 2008
Customer No. 27752

REMARKS

Claim Status

Claim 1 has been amended to correct a typographical error.

Claims 1, 2, 10-12, and 14-15 are pending in the present application. No additional claims fee is believed to be due.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 3,960,272 and U.S. Patent No. 3,912,571

Claims 1-2, 10-12, and 14-15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 3,960,272 to Hartbauer, et al. and U.S. Patent No. 3,912,571 Hartbauer, et al. (collectively, "Hartbauer"). The Examiner asserts that Hartbauer teaches a rolled multi-ply fibrous structure having a core end and a tail which is bound to another portion of the multi-ply fibrous structure by an adhesive, wherein the tail of the multi-ply fibrous structure comprises a consumer accessible tab as shown in Figures 11-15. The Examiner further asserts that Hartbauer teaches that its tail is sealed to the fibrous structure with at least a portion of the consumer accessible tab more proximal to the tail end than the adhesive.

Applicants respectfully submit that Hartbauer fails to teach each and every element of Claim 1, the independent claim, as amended, because Hartbauer fails to teach that its consumer accessible tab is more proximal to the tail end than the adhesive. To support Applicants' position, Applicants submit herewith Exhibit 1. Exhibit 1 is an enlarged schematic representation of Hartbauer's Fig. 13 and the claimed invention as claimed in Claim 1, as amended. Applicants submit that as shown in Exhibit 1, Hartbauer's consumer accessible tab is defined as the fold in its multi-ply fibrous structure. Hartbauer states that its "fold is adapted for manual grasping by the user ." Hartbauer Col. 12, line 68 to Col. 13, line 1/Col. 13, lines 1-2. Applicants submit that

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Hartbauer's consumer accessible tab is not more proximal to the tail end than the adhesive. As seen in Exhibit 1, the progression along Hartbauer's fibrous structure from its tail end to its core end is as follows: tail end → tail seal glue (adhesive) → consumer accessible tab whereas the progression along the multi-ply product as claimed in Claim 1 is as follows: tail end → consumer accessible tab → tail seal glue (adhesive). Clearly, Hartbauer's consumer accessible tab is not more proximal to its tail end than its tail seal glue (adhesive). Therefore, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Hartbauer. MPEP 2143.03. Further, Applicants submit that Claims 2, 10-12 and 14-15, which ultimately depend from Claim 1, as amended, are not rendered obvious over Hartbauer. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 3,960,272 and U.S. Patent No. 3,912,571 as applied above and further in view of U.S. Patent No. 6,924,042

Claims 1-2, 10-12, and 14-15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Hartbauer, described above, and further in view of U.S. Patent No. 6,924,042 B2 to Von Paleske. The Examiner asserts that Von Paleske teaches that it is known in the art to form multi-ply products wherein at least two of the plies are bonded together.

Applicants respectfully submit that Hartbauer in view of Von Paleske fails to teach each and every element of Claim 1, the independent claim, as amended, for the same reasons that Hartbauer alone fails to teach each and every element of Claim 1, as amended. Accordingly, Applicants submit that Claim 1, as amended, is not rendered obvious over Hartbauer in view of Von Paleske. MPEP 2143.03. Further, Applicants submit that Claims 2, 10-12 and 14-15, which ultimately depend from Claim 1, as amended, are not rendered obvious over Hartbauer in view of Von Paleske. MPEP 2143.03.

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Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By 

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(Amendment-Response to Office Action.doc)
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